<u>REMARKS</u>

Reconsideration of this Application is respectfully requested in view of

the arguments presented below. Applicants understand the 35 U.S.C.

Section 102 rejection based on Alaia has been overcome. Claims 1-17 stand

newly rejected under 35 U.S.C. Section 103 by Alaia in combination with

Langseth and a new reference, Parsons (US 6871214). Applicants assert that

Claims 1-17 are patentable over the cited art of record. New Claims 18 and

19 have been added.

<u>35 U.S.C. Section 103 Rejections</u>

The above referenced Office Action rejects independent Claims 1 and

10 as being rendered obvious under 35 U.S.C. Section 103 by U.S. Patent

Publication No. 20020046148 (hereafter Alaia) in view of U.S. Patent No.

6.671,715 (hereafter Langseth) and Parsons (US Patent No. 6,871,214).

Applicants respectfully traverse.

With respect to Claim 1, Claim 1 has been amended to recite:

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receiving <u>user selectable update configuration information</u> from
remote bidders via a distributed computer network, the update
configuration information including a <u>user selectable time interval</u> for
receiving bid status updates;
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The Claim 1 embodiment recites an auction method having automatic bid

status refresh and item attribute updates. The method is implemented in an

electronic exchange. The method includes the step of receiving update

configuration information from remote bidders via a distributed computer network. The claimed embodiments recite that this update configuration information includes a time interval for receiving bid status updates. The bid status includes information regarding the most competitive, or winning, bid and any associated terms. The claimed embodiments recite the bid status updates are disseminated to the remote bidders in accordance with the user selectable update configuration information. Additionally, the time interval of the update configuration information is user selected and can be adjusted dynamically during the auction. Remote bidders receive bid status updates in accordance with their specified time interval. Changes to the items and/or item attributes of the auction are also disseminated to the remote bidders via the distributed computer network in accordance with the time interval of the update configuration information. These aspects are explicitly recited in each of the independent Claims 1, 10 and 18.

In contrast, the cited sections of Alaia (e.g., Alaia paragraphs 0026, 0027, and 0030) do not describe any user selectable update configuration information. The above referenced Office Action concedes that Alaia does not show or suggest the use of any time interval for receiving updates that is user selected and that can be adjusted dynamically during the auction as explicitly recited in the independent claims.

Langseth is relied upon as showing the use of any time interval for receiving updates that is user selected and that can be adjusted dynamically during the auction. Applicants respectfully disagree.

Applicants assert that Langseth discloses a system for distributing e-mail and other content from a hub-and-spoke style source architecture delivery system for a personal intelligence network (e.g., Langseth Abstract). The system of Langseth appears to be specifically directed towards a web based system of output servers that transmit messages of topical interest to groups of subscribers via spreadsheet programs data, pager, telephone, mobile phone, fax, personal digital assistants, HTML e-mail, WAP and other formats (e.g., Langseth Abstract). Applicants assert that this is completely different than user selectable bid status updating during an auction as in the claimed invention.

Additionally, a cited section of Langseth (e.g., Langseth col. 5 lines 35-40) recites " a finance channel may be provided that has information about Investments" and "separate channel database may be established that contains information for the Finance channel." Applicants assert that Langseth discloses a one way update process that does not function in a manner similar to a dynamic two way auction with the user being a participant in the auction process. The "channels" of Langseth are one way,

from the server to the user. Langseth further describes the updates of the channels being typically, when the service is set up, the update rate may be hourly (e.g., Langseth col. 5 lines 40-45). Applicants point out that this is completely different from the updates required to participate in a real time auction as in the claimed invention.

The addition of Parsons does not cure the defect of Langseth and Alaia. Parsons is relied upon to show user configuration of a time interval for showing alerts. Applicants point out that alerts are not "user selectable update configuration information" as in the claimed invention.

Accordingly, Applicants respectfully assert that the present invention as recited in Claims 1-17 are not rendered obvious by the Alaia reference, alone or in combination with Langseth and Parsons, within the meaning of 35 U.S.C. Section 103.

CONCLUSION

All Claims (1-19) of the present application are now in condition for

allowance. The Examiner is urged to contact Applicants' undersigned

representative if the Examiner believes such action would expedite resolution

of the present Application.

Please charge any additional fees or apply any credits to our PTO

deposit account number: 50-4160.

Respectfully submitted,
MURABITO, HAO & BARNES

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